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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,429	12/08/2000	Kevin D. Bair	STL000040US2/1716P	2095

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05/22/2003

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EXAMINER

THAI, HANH B

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 05/22/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/733,429	Applicant(s) BAIR, KEVIN D.	
	Examiner Hanh B Thai	Art Unit 2171	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the RCE dated 4/15/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2171

This is in response to the Request for Continued Examination dated April 15, 2003 in which claims 1-42 are presented for examination.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

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Claims 1-42 are rejected under 35 U.S.C. 102(2) as being anticipated by Raz (U. S. Patent no. 6,292,827).

Regarding claims 1, 14, 27 and 40-42, Raz discloses a method at (Fig.1-Fig.3, Raz) for accessing information on a network (2, Fig.1), the method comprising the steps of:

Art Unit: 2171

- a) allowing a first system (12, Fig.3) to submit a query to a second system (18, Fig3, Raz);
- b) processing the query with the second system, wherein the second system utilizes information not residing on the second system to process the query; and
- c) utilizing the second system to return a result of the processed query to the first system (Fig.1-Fig.3 and summary of Raz).

Regarding claim 2, Raz further discloses in FIG.1 the method wherein the first system comprises a client machine (1) and the second system comprises a server machine (9, Fig.1, Raz).

Regarding claim 3, Raz further discloses the method wherein the information comprises data and metadata (column 5, lines 66-67, Raz).

Regarding claim 4, Raz further discloses the method wherein the metadata comprises information about objects (column 5, lines 62-67, Raz).

Regarding claim 5, Raz further discloses the method wherein the objects comprise tables, triggers and indexes (FIG. 8-10, Raz).

Art Unit: 2171

Regarding claim 6, Raz further discloses the method wherein a first protocol is utilized by the client machine to submit the query and the query includes data and metadata along with a request to perform an operation on the data and metadata (column 3, lines 58-66, Raz).

Regarding claim 7, Raz further discloses the method wherein a first protocol is utilized by the client machine to submit the query and the query includes a pointer to the data and metadata along with a request to perform an operation on the data and metadata (column 3, lines 58-66 and column 5, line 62 to column 6 line 7, Raz).

Regarding claim 8, Raz further discloses the method wherein the server machine implements a second protocol to process the query (column 8, lines 51-54, Raz).

Regarding claim 9, Raz further discloses the method wherein the processing of the query comprises the server machine performing the requested operation on the data and metadata (FIG. 7 and column 5, line 60 to column 6, line 7, Raz).

Regarding claim 10, Raz further discloses the method wherein the network comprises the Internet (FIG. 1, Raz).

Regarding claim 11, Raz further discloses the method wherein the server machine implements a second protocol to process the query (column 8, lines 51-54, Raz).

Art Unit: 2171

Regarding claim 12, Raz further discloses the method wherein the processing of the query comprises the server machine performing the requested operation on the data and metadata (FIG. 7 and column 5, line 60 to column 6, line 7, Raz).

Regarding claim 13, Raz further discloses the method wherein the network comprises the Internet (FIG. 1, Raz).

Regarding claims 15-26 and 28-39, the elements of these claims are rejected in the analysis above and these claims are rejected on that basis.

Response to Arguments

Applicant argues, Raz does not teach or suggest “processing the query with the second system, wherein the second system utilizes information not residing on the second system to process the query” and “utilizing the second system to return a result of the processed query to the first system” (response 4/15/03, page 4). The examiner respectfully disagrees because Raz teaches the limitations of the claim. For example, Raz teaches “the method includes establishing a data communication between client terminals and servers, generating a database of characteristic data associated with the client terminals and servers, and dynamically distributing data between the client terminals and servers as a function of the characteristic data stored in the database such that a portion of the distributed data resides at the client terminals and another portion resides at the servers” (see summary of Raz). The portion of data at client terminal

Art Unit: 2171

satisfies the claim limitation of not residing on the second system to submit the search query at the client side (see col. 12, lines 51-55 and col. 12, line 67 to col. 13, line 2, Raz).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh B Thai whose telephone number is 703-305-4883. The examiner can normally be reached on 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-9099 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Hanh Thai ~~HF~~
Art Unit 2171
May 19, 2003


SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100